



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/394,027	09/10/99	KERN	R 97-035A

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EXAMINER

REDMAN, J

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 03/29/00 4

MARSHALL O'TOOLE

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

6/29/00

Docketed:

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Technology Center 3600

Office Action Summary

Application No.	09/394,027	Applicant(s)	KERN ET AL.
Examiner	JAZZY ROMAN	Group Art Unit	3634

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- Responsive to communication(s) filed on 9/10/99.
- This action is FINAL.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- Claim(s) 1-28 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- Claim(s) 21-28 is/are allowed.
- Claim(s) 1-9 AND 15-20 is/are rejected.
- Claim(s) 10-14 is/are objected to.
- Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on _____ is approved disapproved.
- The drawing(s) filed on _____ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All Some* None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) _____.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ Interview Summary, PTO-413
- Notice of References Cited, PTO-892 Notice of Informal Patent Application, PTO-152
- Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

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Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 15, line 1, there is a lack of antecedent basis for "the carrier".

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 6, 17, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Clark. Clark discloses a plurality of doors (C and D) comprising a resilient core (11, insulation), a flexible covering (9 and 10), sealing elements (18 and 19), and an actuation system (52) to move the door laterally and downwardly (a sloped track) such that upon impact the door is able to transmit a compressive load equal to the weight of the resilient core (insulation).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark. All of the elements of the instant invention are discussed in detail above except providing the door panel with enough strength to withstand a compressive load equal to the weight of the resilient core

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and the flexible covering. It would have been obvious design choice to one of ordinary skill in the art at the time of the invention to provide the panel of Clark to withstand a compressive force equal to its weight since one skilled in the art would provide a rigid closure to withstand a wide range of compressive forces on a panel which closes a busy doorway.

Claims 5-9, 16, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Suter. All of the elements of the instant invention are discussed in detail above except providing a panel having a core foam and an outer covering being a flexible fabric material. Suter discloses a panel having an interior with a core foam and an exterior having a flexible fabric material. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Clark with a panel having a core foam and an exterior having a flexible fabric material as taught by Suter since this allows the panel to be more resilient and more resistant to impact.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Saucier. All of the elements of the instant invention are discussed in detail above except providing a plurality of doors which engage one another. Saucier discloses a plurality of panels having a trailing edge engage a leading edge. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Clark with a plurality of doors which are co-planer as taught by Saucier since upon closing of an opening, the trailing edge of one panel engages a leading edge of an adjacent panel thereby closing an opening and thereby allowing the panels to be stored in a stacked position when in an open position.

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Claims 10-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 21-28 are allowable.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. patents to Imperial et al., Brown, and Pedlow disclose elements similar to that of the applicants invention.

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number (703) 308-2168.



Jerry Redman
Primary Examiner